

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,) CIVIL NO. 3:08-cv-01213
v.) JUDGE NIXON
2005 Ford F-150 Supercrew Pickup Truck)
VIN: 1FTPW125X5KD57807)
Defendant.)

DEFAULT JUDGMENT AND FINAL ORDER OF FORFEITURE

Plaintiff, United States of America, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, has moved for a Default Judgment and Final Order of Forfeiture forfeiting the defendant property to the United States of America.

On December 22, 2008, the United States of America filed a Verified Complaint *In Rem* seeking forfeiture of the above-captioned defendant property, alleging that the defendant property constitutes a violation of proceeds traceable to an exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 841 and is, therefore forfeitable pursuant 21 U.S.C. § 881. (D.E. 1).

Pursuant to Summons and Warrant for Arrest *In Rem* issued by the Clerk of this Court on December 22, 2008 (D.E. 3-1), the United States Marshal for the Middle District of Tennessee (or the Department of Treasury, Internal Revenue Service, Criminal Investigations Division) seized defendant property on January 15, 2009 (D.E. 4).

On December 23, 2008, Mirella Valle and Sixtos Arrellano, were each served, via certified mail, return receipt, with a copy of the Verified Complaint *In Rem* and Notice of

Judicial Forfeiture Proceedings. On January 16, 2009 and January 23, 2009, an additional copy of the Verified Complaint *In Rem* and Notice of Judicial Forfeiture Proceedings was also served upon Mirella Valle. (D.E. 6-1).

Pursuant to the Notice of Judicial Forfeiture Proceedings, all persons claiming an interest in defendant property were required to file their verified claims with the Clerk of this Court within thirty-five (35) days from service of the Verified Complaint *In Rem*, and Notice of Judicial Forfeiture.

Public notice to all persons of said forfeiture action was advertised on-line at "www.forfeiture.gov," the official internet government forfeiture site, for 30 consecutive days beginning on December 24, 2008 and ending on January 22, 2009. (D.E. 5).

Pursuant said notice, all persons claiming an interest in defendant property were required to file their verified claims with the Clerk of this Court within sixty (60) days from the first date of publication of the Notice.

No person or entity has filed a Verified Claim within the time permitted by Title 18, United States Code, Section 983(a)(4)(A), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

The Clerk of this Court has entered a default as to all persons and entities claiming an interest in defendant property, pursuant to Rule 55(a) Federal Rules of Civil Procedure. (D.E. 7)

The United States has now moved for entry of a Default Judgment and this Court is of the opinion that the Motion of the United States for Default Judgment should be granted and Default Judgment be entered as to all persons or entities who may claim to have an interest in the defendant property. Further, the Court finds that the Verified Complaint for Forfeiture

establishes probable cause to believe that the defendant property constitutes proceeds traceable to an exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 841, and is, therefore, subject to seizure and forfeiture under the provisions of 21 U.S.C. § 881, and, therefore, a Final Order of Forfeiture should be entered.

The Motion of the United States for Default Judgment and Final Order of Forfeiture is hereby GRANTED. Therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that:

1. A Judgment by Default is hereby entered as to Sixtos Arrellano, Mirella Valle and all persons or entities with respect to any interest they may have in the defendant property.
2. The defendant property more particularly described as a 2005 Ford F-150 Supercrew Pickup Truck, VIN: 1FTPW125X5KD57807, is hereby forfeited to the United States of America, and all right, title and interest in and to said property is hereby vested in the United States of America, pursuant to 21 U.S.C. § 881.
3. The United States Marshals Service, as custodian of said forfeited property, shall dispose of the same according to law.
4. The Clerk of this Court shall provide the United States Attorney's Office and the United States Marshals Service with a certified copy of this order.

Dated on this, the 28 day of May, 2009.



Senior Judge John T. Nixon
UNITED STATES DISTRICT JUDGE